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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,466	10/10/2000	Mary Jane Michael		3302

7590
Jerry Semer
617 Croghan Street
Fremont, OH 43420

08/26/2003

EXAMINER

WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,466

Applicant(s)

MICHAEL, MARY JANE

Examiner

Sue A. Weaver

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3727

1. Applicant's election with traverse of Group II, claims 5-20 in Paper No. 3 is acknowledged. The traversal is on the ground(s) that applicant is selling the exact purse and liner in claims 1-4 that is claimed in claims 5-20 and therefore there isn't any distinction. This is not found persuasive because the purse and liner of claims 5-20 be used differently and could be sold in a store with the elements chosen from a sales person rather than by the internet, as claimed in claims 1-4. Moreover the purse and liner combination could be used at home by the owner with various purse bodies or liners made by the owner to match outfits. The claimed in claims 1-4 could have an opening at the side rather than an opening at the top as claimed in claims 5 and 14 and the liner of claim 11 could be used in a purse without a handle, as claimed in claim 1. Moreover claim 1 calls for the containers to be attached to the outside of the purse while claims 5 calls for a container to be placed within a purse. For the above reasons the claims in Groups I and II are considered to be distinct from each other.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-4 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the features "11", "14", "22", "64", "78" and "96" do not appear to have been identified. A proposed drawing correction or corrected drawings are required in reply to

Art Unit: 3727

the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 5, 7-9, 18 and 19 objected to because of the following informalities: It appears that applicant has misspelled "inter" in the claims. Appropriate correction is required. I

4. Applicant is advised that should claim 18 be found allowable, claim 19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 7-13, 15 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Siegel.

Applicant's attention is invited to Figures 3-6 of Siegel showing a purse with an open top and handle and which receives a removable liner (144) having sides and a bottom and also fastener means comprised of snaps (150, 171) or hook and loop material (200, 206) for receiving various pouches (170, 180 and 190) having different configurations and sizes dependent on what they are intended to hold.

Art Unit: 3727

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel in view of Cantor..

To have further provided pouches, which are secured to the exterior of the housing to prevent theft or injury from attempted theft, would have been obvious in view of such teaching by Cantor (note the snaps or Velcro 24)

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel in view of Rosen.

To have secured the removable liner of Siegel to the purse with snaps to retain it in the purse would have been obvious in view of such teaching by Rosen at 33..

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kase, Sutton, Rosenberg and Baquero et al, show the use of snaps to secure bags and covers. Fromm and Salz show hook and loop material securing inner bags and covers together. Coquin and Tucker show pouches or containers secured in bag interiors.

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information

Art Unit: 3727

and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Typed or printed name of person signing this certificate:

Signature: _____


Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (703) 308-1186. The examiner can normally be reached on Tuesday-Friday.

Art Unit: 3727

— The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Sue A. Weaver
Primary Examiner

SW